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STEUBING MCGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON, MA 01720

EXAMINER

PWU, JEFFREY C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,119

Applicant(s)

SCHOFIELD ET AL.

Examiner

Jeffrey C. Pwu

Art Unit

2143

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/26/05 Amendment & 12/19/05 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Sistanizadeh et al. (US 6,681,232)

Sistanizadeh et al. teaches claims

1. An optical service agent for managing communication services for a user in an optical communication system in which the user lacks at least at least some network information related to the services, the optical service agent comprising:

a user-to-network interface (UNI) for interfacing with an optical communication network;
(col.2, lines 53-67)

network information related to the communication services; (Abstract; “IP-Over Ethernet on fiber networks”) and

optical service logic for obtaining a new optical communication path from the optical communication network via the UNI based at least in-part on the network information related to the communication services and managing said optical communication path for the user; (col.18,

lines 17-35; fig.4; “Summit48 supports OSPF (Open Shortest Path First). OSPF is a routing protocol that determines the best path for routing IP traffic over a TCP/IP network.”)

whereby the user need not have the network information in order to obtain a new optical communication path.

2. The optical service agent of claim 1, wherein the optical communication network comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI. (col.30, lines 19-32)

3. The optical service agent of claim 1, further comprising auto-discovery logic for automatically discovering peer users. (121)

4. The optical service agent of claim 3, wherein the auto-discovery logic comprises an advertisement mechanism for sending and receiving peer information. (77,79)

5. The optical service agent of claim 4, further comprising a peer database for storing peer information. (col.14, lines 6-36)

6. The optical service agent of claim 1, further comprising peer authentication logic for authenticating peer users. (fig.11, peer authenticating logic peer users 187, 90, 135, 133)

7. The optical service agent of claim 1, further comprising peer-to-peer signaling logic for communicating with peer users. (fig.11; col.14, lines 6-36)

8. The optical service agent of claim 7, wherein the optical service logic coordinates communication services with peer users via the peer-to-peer signaling logic. (fig.11)

9. The optical service agent of claim 1, wherein the optical service agent comprises an application component and a network component (“The system 351 also includes one or more input/output interfaces for communications, shown by way of example as an interface 359 for

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data communications via the LAN at the NOC 135, and from that LAN to the out-of-band signaling network and preferably to the production network. The interface 259 could include a modem for telnet sessions, but preferably comprises one or more network interface cards, such as Ethernet cards. The communication interface 359 may include virtually any other appropriate data communications device. The physical communication links may be optical, wired, or wireless (e.g., via satellite or cellular network). In accord with aspects of the invention, the computer system 351 connects to a local area network, for communication with other operations support systems, such as the web server 111 and the order manager 147, at one of the NOC locations 135. Through the LAN and/or another interface card, the system 107 also has communications connectivity both to the production network (for SNMP communications and the like) and to the NOC router for the out-of-band (OOB) communications.”)

10. The optical service agent of claim 9, wherein the application component and the network component are situated within the user, and wherein the network component implements the UM for interfacing with the optical communication network. (351)

11. The optical service agent of claim 9, wherein the application component is situated within the user and the network component is situated within the optical communication network, and wherein the application component and the network component communicate via the UNI. (351)

12. The optical service agent of claim 9, wherein the application component and the network component communicate via a control interface, and wherein the network component interfaces with the optical communication network via the UNI as a proxy for the application component. (115, 117)

13. The optical service agent of claim 1, further comprising an application program, interface (API) for interfacing with a user application. (113)

Claims 14-49 are similarly rejected as in claims 1-13.

Response to Arguments

3. Applicant's arguments filed 10/26/05 have been fully considered but they are not persuasive.

Applicant argues that Sistanizadeh does not teach the provision of new optical pathways. However, Sistanizadeh teaches an optical service logic for obtaining a new optical communication path from the optical communication network via the UNI based at least in-part on the network information related to the communication services and managing the optical communication path for the user at col.18, lines 17-35 ("The database 149 includes static data about the network nodes, such as port interconnections between the switches and between E-POPs and end-use customers. In accord with an aspect of the invention, the topology database 149 (or another database) also stores dynamic network data relating to semantic and time transparency through the network. For example, for a given access ring 30, the database stores information indicating the allocations of transport capacity to the different types of services on the rings (e.g. NET and MAN services) and the extent to which the allocated capacities for each service are currently assigned to actual customers on the ring. These allocations and assignments change over time, for example as existing customers increase or decrease bandwidth subscriptions, as existing customers obtain new services or as new customer come on-line to

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obtain services, through the particular ring. The network and its associated operations support systems/software may be considered as three separate but interconnected logical planes, as illustrated in FIGS. 7 and 8.”) Therefore, Sistanizadeh teaches a provision of new optical pathways.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



4/15/06

JEFFREY PWU
PRIMARY EXAMINER